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EXAMINER

BALAOING, ARIEL A

| ART UNIT | PAPER NUMBER |
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2617

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,896

Applicant(s)

MAHINI, HASSAN

Examiner

Ariel Balaoing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,13-19 and 22-34 is/are pending in the application.
- 4a) Of the above claim(s) 29-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10,13-19 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/08/2006 have been fully considered but they are not persuasive.

Regarding the applicants arguments that "Salmimmaa has nothing to do with dynamically updating a shortcut list by adding and automatically deleting shortcuts (events) to the list, and therefore, cannot teach or suggest the claimed invention" (see page 2 of the remarks); the examiner disagrees. Claim 1 (and similarly claim 10) recites the limitation "dynamically updating an event list responsive to designated events by adding events to said event list when a new event occurs and automatically deleting events from said event list when a user responds to an event". While shortcut pointers can be assigned to said event list (see claim 4 of the application), an event as seen in paragraphs 8 and 9 are not equated to "a short cut" as argued. Specifically from paragraph 8, *"The events may be initiated by a user, such as by setting an alarm, or may be an occurrence outside the control of the user, such as receipt of a message by the mobile communication device. Events may also be initiated by applications residing in the mobile communication device."* Furthermore, Salimimaa shows that events such as a new message are assigned an icon and sorted in a context bar (col. 2, line 53-60). The icons can correspond to an application when selected and can therefore be seen as a shortcut on a sorted shortcut list.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

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combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, SALMIMMA and OGILVIE both teach adding and deleting of messages presented to a user. SALMIMMA shows deletion of an event after a predetermined time period (col. 6, line 15-18) and would have benefited from allowing a service provider the ability to determine unwanted events, as taught by OGILVIE.

Election/Restrictions

Regarding the applicant's traversal to the restriction, the applicant argues "According to the examiner, claims 1, 4-10, 13-19, and 22-28 are directed to sorting newly added events, while claims 29-34 are directed to assigning shortcut pointers. The Examiner's understanding to the claims is incorrect. All pending claims relate to dynamically updating a shortcut list. In independent claims 1, 10, 19, and 28, those shortcuts are labeled "events on a dynamically updated event list." In claims 29-34, they are labeled "shortcut pointers on a dynamically updated shortcut menu." The claims use different labels but all claims are directed to the same invention." (see page 3 of the remarks); the examiner respectfully disagrees. Independent claim 1 (and similarly 10, 19, and 28) recites the limitation "dynamically updating an event list responsive to *designated events* by adding events to said event list when a new event occurs" while Independent claim 29 recites "adding shortcut pointers to a dynamically

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updated shortcut menu responsive to missed events, the shortcut pointer being associated with one or more missed events of the same event type in an inbox". It is evident that both sets of claims describe "an event" as discussed above and therefore "an event" is not seen as "a shortcut" as argued. Furthermore, it can be seen in the first set of claims that sorting occurs according to time, priority, and usage statistics (claims 6-9), which is not seen in the second set of claims. The second set of claims also show various methods of assigning a shortcut pointer to a missed event, which is not found in the first set of claims.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 10, 19, 28 rejected under 35 U.S.C. 103(a) as being anticipated by SALMIMAA et al (US 6,668,177 B2) in view of OGILVIE et al (US 6,487,586 B2).

Regarding claim 1, SALMIMAA discloses a method of accessing functions in a mobile communication device comprising: dynamically updating an event list responsive to designated events by adding events to said event list when a new event occurs (abstract, column 2:lines 51-60; 508-Figure 5, column 7:lines 16-30); displaying said event list to a user on a display (Figure 1, column 2:lines 51-60); associating a menu item in a hierarchical menu with each event in said event list (Figure 3, column 2:lines 15-39, column 5:lines 27-45; Menu items with greater priority are given greater prominence on the display); and invoking the associated menu item in said hierarchical

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menu responsive to selection of an event from said event list by said user (column 5:lines 4-23). Although SALMIMMA discloses automatic deletion of events from an event list (col. 4, line 25-37; col. 6, line 15-31), SALMIMMA does not expressly disclose wherein the automatic deletion of an event occurs when a user responds to an event. OGILVIE discloses wherein the automatic deletion of an event occurs when a user responds to an event (abstract; col. 5, line 59-67; col. 6, line 6-19; message deletion occurs shortly after message is opened). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SALMIMMA to include the automatic deletion of an event when a user responds to an event, as taught by OGILVIE, as both systems relate to handling of newly received messages. As can further be seen in SALMIMMA, messages are deleted after predetermined time has expired (col. 6, line 15-18). This is beneficial in that the burden of removing unsolicited emails can be determined by the service provider.

Regarding claim 10, SALMIMAA discloses a mobile communication device comprising: a display (Figure 1, 2, 3) for displaying menu items in a hierarchical menu for selection by a user (Figure 3, column 2:lines 15-39, column 5:lines 27-45; Menu items with greater priority are given greater prominence on the display); a memory for storing an event list (column 2:lines 40-51); a processor (column 2:lines 40-51, column 5:lines 46-51) to: dynamically update said event list responsive to designated events by adding events to said event list when a new designated event occurs (abstract, column 2:lines 51-60; 508-Figure 5, column 7:lines 16-30); display said event list on a display for viewing by a user (Figure 3, column 2:lines 15-39, column 5:lines 27-45); associate a

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menu item in a hierarchical menu with each event in said event list (Figure 3, column 2:lines 15-39, column 5:lines 27-45); and invoke the associated menu item in said hierarchical menu responsive to selection by said user of an event from said event list (column 5:lines 4-23; Processors are inherently responsible for controlling the operations of a system.) Although SALMIMMA discloses automatic deletion of events from an event list (col. 4, line 25-37; col. 6, line 15-31), SALMIMMA does not expressly disclose wherein the automatic deletion of an event occurs when a user responds to an event. OGILVIE discloses wherein the automatic deletion of an event occurs when a user responds to an event (abstract; col. 5, line 59-67; col. 6, line 6-19; message deletion occurs shortly after message is opened). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SALMIMMA to include the automatic deletion of an event when a user responds to an event, as taught by OGILVIE, as both systems relate to handling of newly received messages. As can further be seen in SALMIMMA, messages are deleted after predetermined time has expired (col. 6; line 15-18). This is beneficial in that the burden of removing unsolicited emails can be determined by the service provider.

Regarding claim 19, SALMIMAA further discloses a circuit (circuitry of some form is inherently necessary for communication between various electronic components) for controlling a user interface including a display, said circuit comprising a processor (column 2:lines 40-51, column 5:lines 46-51) programmed to: generate and dynamically update an event list responsive to designated events by adding events to said event list when a new designated event occurs (abstract, column 2:lines 51-60; 508-Figure 5,

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column 7:lines 16-30); display said event list on said display for viewing by a user (Figure 3, column 2:lines 15-39, column 5:lines 27-45); associate a menu item in a hierarchical menu with each event in said event list (Figure 3, column 2:lines 15-39, column 5:lines 27-45); and invoke the associated menu item in said hierarchical menu responsive to selection by said user of an event from said event list (column 5:lines 4-23; Processors are inherently responsible for controlling the operations of a system.) Although SALMIMMA discloses automatic deletion of events from an event list (col. 4, line 25-37; col. 6, line 15-31), SALMIMMA does not expressly disclose wherein the automatic deletion of an event occurs when a user responds to an event. OGILVIE discloses wherein the automatic deletion of an event occurs when a user responds to an event (abstract; col. 5, line 59-67; col. 6, line 6-19; message deletion occurs shortly after message is opened). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SALMIMMA to include the automatic deletion of an event when a user responds to an event, as taught by OGILVIE, as both systems relate to handling of newly received messages. As can further be seen in SALMIMMA, messages are deleted after predetermined time has expired (col. 6, line 15-18). This is beneficial in that the burden of removing unsolicited emails can be determined by the service provider.

Regarding claim 28, SALMIMAA discloses a computer program (column 1:lines 15-32; seen in the background of the invention, but still applicable to the disclosed invention) (column 5:lines 45-51) stored in a computer readable medium (storage of programs are inherently stored in a computer readable medium (i.e. memory in one

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form or another)) for controlling a user interface in a mobile communication device (column 5:lines 45-51), said program including instructions to cause said mobile communication device to: add events to a dynamically updated event list responsive to designated events (abstract, column 2:lines 51-60; 508-Figure 5, column 7:lines 16-30); automatically delete events from said event list (col. 4, line 25-37; col. 6, line 15-3); display said event list on said display for viewing by a user (Figure 3, column 2:lines 15-39, column 5:lines 27-45); associate a menu item in a hierarchical menu with each event in said event list (Figure 3, column 2:lines 15-39, column 5:lines 27-45); and invoke the associated menu item in said hierarchical menu responsive to selection by said user of an event from said event list (column 5:lines 4-23). Processors are inherently responsible for controlling the operations of a system. Although SALMIMMA discloses automatic deletion of events from an event list (col. 4, line 25-37; col. 6, line 15-31), SALMIMMA does not expressly disclose wherein the automatic deletion of an event occurs when a user responds to an event. OGILVIE discloses wherein the automatic deletion of an event occurs when a user responds to an event (abstract; col. 5, line 59-67; col. 6, line 6-19; message deletion occurs shortly after message is opened). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SALMIMMA to include the automatic deletion of an event when a user responds to an event, as taught by OGILVIE, as both systems relate to handling of newly received messages. As can further be seen in SALMIMMA, messages are deleted after predetermined time has expired (col. 6, line 15-18). This is

beneficial in that the burden of removing unsolicited emails can be determined by the service provider.

5. Claims 4, 13, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SALMIMAA et al (US 6,668,177 B2) in view of OGILVIE et al (US 6,487,586 B2) and further in view of AUSEMS et al (US 2003/0013483 A1).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However the combination of SALMIMAA and OGILVIE does not discloses wherein said event list is displayed responsive to entry of a shortcut command by said user. AUSEMS discloses wherein said event list is displayed responsive to entry of a shortcut command by said user (abstract, paragraph 12, paragraph 64). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SALMIMAA and OGILVIE to include a shortcut command in order bring up the event list, as both disclosures deal with the interaction of associated menu icons in handheld devices with graphical user interfaces. This is beneficial in that it allows the ability to quickly switch to the menu icon list while another application or program is running in the foreground.

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However the combination of SALMIMAA and OGILVIE does not discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user. AUSEMS discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user (abstract, paragraph 12, paragraph 64). Therefore it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to modify the combination of SALMIMAA and OGILVIE to include a shortcut command in order bring up the event list, as both disclosures deal with the interaction of associated menu icons in handheld devices with graphical user interfaces. This is beneficial in that it allows the ability to quickly switch to the menu icon list while another application or program is running in the foreground.

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However the combination of SALMIMAA and OGILVIE does not disclose wherein the processor displays said event list responsive to entry of a shortcut command by said user. AUSEMS discloses wherein the processor displays said event list responsive to entry of a shortcut command by said user (abstract, paragraph 12, paragraph 64). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SALMIMAA and OGILVIE to include a shortcut command in order bring up the event list, as both disclosures deal with the interaction of associated menu icons in handheld devices with graphical user interfaces. This is beneficial in that it allows the ability to quickly switch to the menu icon list while another application or program is running in the foreground.

6. Claims 5-9, 14-18, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over SALMIMAA et al (US 6,668,177 B2) in view of OGILVIE et al (US 6,487,586 B2) and further in view of ROTH (US 6,266,060 B1).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of SALMIMAA and OGILVIE does not disclose further comprising sorting said event list before said event list is displayed. ROTH discloses further comprising sorting said event list before said event list is displayed (column 5:line 60-column 6:line 2, column 11:line 67-column 12:line 15; the sort process is initiated according to a user defined ranking control, thus the frequency of the sorting does occur before menu is displayed). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SALMIMAA and OGILVIE to include the menu sorting abilities described in ROTH as both disclose a way to prioritize menu rankings. As stated by ROTH, *it should be understood that the present invention can be used to arrange any menu of user-selectable items regardless of the medium that is used to present the menu* (column 5:lines 30-38, column 5:lines 46-59, column 6:lines 31-42). This is beneficial in that it allows for various sorting techniques in any menu environment of user-selectable items.

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of SALMIMAA and OGILVIE does not disclose wherein said event list is sorted in time order. ROTH discloses wherein said event list is sorted in time order (column 11:line 67-column 12:line 15, column 12:line 52-column 13:line 20).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALIMIMAA further discloses wherein said event

list is sorted based on priorities assigned to said events on said event list (Figures 6a and 6b, column 3:lines 60-65, column 7:lines 31-64).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. SALMIMAA further discloses wherein said priorities are assigned to said events on said event list by a user (Figures 6a and 6b, column 3:lines 60-65, column 7:lines 31-64).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However the combination of SALMIMAA and OGILVIE does not disclose wherein said event list is sorted based on usage statistics associated with said events on said event list. ROTH discloses wherein said event list is sorted based on usage statistics associated with said events on said event list (column 13:line 21-column 14:line 33).

Regarding claims 14 and 23, However, the combination of SALMIMAA and OGILVIE does not disclose wherein said processor sorts said event list before said event list is displayed. ROTH discloses wherein said processor sorts said event list before said event list is displayed (column 5:line 60-column 6:line 2, column 11:line 67-column 12:line 15; the sort process is initiated according to a user defined ranking control, thus the frequency of the sorting does occur before menu is displayed). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SALMIMAA and OGILVIE to include the menu sorting abilities described in ROTH as both disclose a way to prioritize menu rankings. As stated by ROTH, *it should be understood that the present invention*

can be used to arrange any menu of user-selectable items regardless of the medium that is used to present the menu (column 5:lines 30-38, column 5:lines 46-59, column 6:lines 31-42). This is beneficial in that it allows for various sorting techniques in any menu environment of user-selectable items.

Regarding claim 15 and 24, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. However, the combination of SALMIMAA and OGILVIE does not disclose wherein said processor sorts said event list in time order. ROTH discloses wherein said processor sorts said event list in time order (column 11:line 67-column 12:line 15, column 12:line 52-column 13:line 20).

Regarding claims 16 and 25, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. SALIMIMAA further discloses wherein said processor sorts said event list based on priorities assigned to said events on said event list (Figures 6a and 6b, column 3:lines 60-65, column 7:lines 31-64).

Regarding claims 17 and 26, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. SALIMIMAA further discloses wherein said priorities are assigned to said events on said event list by a user (Figures 6a and 6b, column 3:lines 60-65, column 7:lines 31-64).

Regarding claim 18 and 27, see the rejections of the parent claims concerning the subject matter these claims are dependant upon. However the combination of SALMIMAA and OGILVIE does not disclose wherein said processor sorts said event list based on usage statistics associated with said events on said event list. ROTH

discloses wherein said processor sorts said event list based on usage statistics associated with said events on said event list (column 13:line 21-column 14:line 33).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing - Art Unit 2617

AB

AB 9/28/2006


GEORGE ENG
SUPERVISORY PATENT EXAMINER